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ORDINANCE NO 2016 - 11

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE XI,
RESIDENTIAL RENTAL REGISTRATION AND INSPECTION OF
CHAPTER 21 OF THE CODE OF THE CITY OF HUTCHINSON,
KANSAS**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
HUTCHINSON, KANSAS:

Section 1. That Section 21-1102, Title and Definitions be amended as follows:

Sec. 21-1102. Title and Definitions

a. **Title.** This article shall be known as the “Rental Registration and Inspection Program” of the City and may be cited as such.

b. **Definitions.** The following words and phrases shall, for the purposes of this article, have the meaning ascribed to them herein, unless the context clearly requires otherwise.

1. **“Building Official”** means the City of Hutchinson Building Official or designee.

2. **“Director of Planning and Development”** means the Director of the Planning and Development Department for the City of Hutchinson or designee.

3. **“Dwelling Unit”** means one room or a suite of two or more rooms designed for or used for **living** and sleeping purposes. Each of said units shall have a restroom and kitchen.

4. **“Inspections Department”** means the Inspections Department of the City of Hutchinson, Kansas.

5. **“Landlord”** means the Owner of property that is offered for Rent, as defined by this article.

6. **“Lawful Occupant”** shall mean a tenant that is lawfully authorized to Occupy a Residential Rental Unit, as defined herein.

7. **“Let”** means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for no consideration.

8. **“Occupancy”** or **“Occupy”** means residing or sleeping at a Dwelling Unit the majority of a person’s time.

9. **“Owner”** means the individual or individual(s), natural or corporate, in possession of lawful title to real property. As used in this Article, Owner may also include Resident Agent.

10. **“Premises”** shall mean a lot, or contiguous lots under common ownership, together with all buildings, structures and appurtenances existing thereon.

11. **“Re-inspection”** means any subsequent inspection conducted for the purpose of verifying that any violations reported during any inspection have been remediated.

12. **“Rent”** means to provide or to offer for possession or Occupancy a Dwelling Unit to a Tenant for consideration, pursuant to a written, oral or implied agreement.

13. **“Resident Agent”** means any person or business entity located or residing within Reno County, Kansas, who has been authorized to carry out transactions, as required under this Article, on behalf of the Owner.

14. **“Residential Rental Unit”** means any Premises having one or more Dwelling Units that are Rented to one or more Tenants.

15. **“Tenant”** means any person who Occupies a Dwelling Unit, other than the Owner or any person residing with the Owner.

Section 2. That Section 21-1103, Residential rental registration required be amended as follows:

Sec. 21-1103. Residential rental registration required.

a. **Registration required.** On or after April 1, 2016, no owner of property located within the City Limits of the City of Hutchinson shall rent to a tenant any dwelling unit or portion thereof, as defined by this Article, without registering said unit with the Director of Planning and Development.

1. Failure to register a residential rental unit within a given calendar year by the rental registration deadline for that year shall result in a \$20 administration fee per month for each month that a unit is used as a rental and goes unregistered. Units not registered by June 30, 2016 shall be in violation

of this ordinance and the provisions of Hutchinson City Code Section 21-1104 shall apply.

b. In the case of multiple owners of any residential rental unit subject to this article, it shall be sufficient for any one of the owners to register said unit.

c. Beginning January 1, 2017, residential rental units shall be registered annually, on or before January 31st of each year.

d. Landlords who reside more than 100 miles from the City of Hutchinson shall be required to identify a resident agent who resides within Reno County and who will be held responsible for ensuring compliance with registration and other provisions of Article XI.

e. The annual registration fee shall be based upon the type of residential rental unit according to the following schedule:

Rental Registration Fee Schedule	
Single Family Dwelling Unit	\$20 per unit
Other Dwelling Unit	\$20 per unit
Duplex/Triplex	\$20 per unit
Apartments	\$15 per unit

f. Rental registration shall be accomplished via forms provided by the Director of Planning and Development.

g. The Director of Planning and Development shall provide confirmation of registration to all registrants.

h. Exemptions. The following types of units are exempt from this article and do not require registration:

1. Hotels and motels.

2. Any residential unit that is occupied by the owner, provided that units that are not occupied by the owner but are located within the same building or complex, shall be registered.

3. The following transient / congregate care uses, provided said uses have obtained the appropriate approvals and licenses, as defined by the International Building Code, including:

- a) Bed and breakfasts
- b) Campgrounds
- c) Group homes or Adult care homes
- d) Assisted living facilities

- e) Extended care, Dependent living or Nursing care facilities
- f) Extended stay lodging
- g) Dormitories, if owned by an educational institution licensed by the State of Kansas
- h) Parsonages, if located on the same premises as the place of religious assembly

4. Properties on Land Contract.

5. Properties where the unit is offered by "Let" and no rental agreement is in place.

Section 3. That Section 21-1104, Unregistered units be amended as follows:

Sec. 21-1104. Unregistered units.

It is unlawful for any person to rent to another, offer for rent or allow to be occupied any rental dwelling unit without first registering said unit as required in Sec. 21-1103. Violation of this section is a Class C misdemeanor, punishable as provided in Hutchinson City Code Sections 24-901 and 24-902. Each rental of an unregistered dwelling unit shall be deemed a separate offense.

Section 4. That Section 21-1105, Rental inspection program be amended as follows:

Sec. 21-1105. Rental inspection program.

- a. The exterior of all residential rental units registered in accordance with this Article shall be inspected by the Building Official.
- b. The interior of residential rental units registered under this Article shall be inspected upon consent of the lawful occupant of the residential rental unit or upon consent of the landlord, should a unit be vacant.
- c. Residential rental units shall be inspected for compliance with the International Property Maintenance Code, as amended by the City of Hutchinson, and shall include any and all common areas.
- d. The Building Official shall notify landlords of all residential rental units scheduled for inspection during a given calendar year. Notification shall be made by first class mail, email or text, dependent upon the notification method selected by the landlord or resident agent. Tenants will also be notified and given the option to sign a consent form authorizing an interior inspection of the unit.

e. For new construction, the Certificate of Occupancy shall count as the initial inspection and a deferral from inspection shall be granted for a period of up to six years from the date of Certificate of Occupancy. Annual rental unit registration is still required during any deferral period.

Section 5. That Section 21-1106, Rental inspection results and re-inspection be amended as follows:

Sec. 21-1106. Rental inspection results and re-inspection.

a. Residential rental units that pass exterior inspection only shall receive a “certificate of rental compliance: exterior” from the Building Official. Residential rental units that pass both interior and exterior inspections shall receive a “certificate of rental compliance: exterior and interior” from the Building Official. Notices shall be delivered by first class mail or email.

b. Residential rental units that do not pass inspection shall receive a “notice of rental non-compliance” from the Building Official; said notice will detail noted deficiencies. Notices shall be delivered by first class mail.

1. The landlord shall have up to 30 days to correct noted deficiencies.

2. Re-inspection will occur on or before the compliance deadline.

3. No fee will be charged for the initial re-inspection. If the residential rental unit passes inspection on the first re-inspection, a “certificate of rental compliance”, as provided for in this section, shall be issued.

4. If the noted deficiencies are not corrected at the time of the first re-inspection, the Building Official will work with the landlord to achieve compliance within a reasonable timeframe. If compliance is not obtained within a reasonable timeframe, normal enforcement procedures will be followed as provided in the adopted building codes of the City of Hutchinson.

5. The Building Official may charge a re-inspection fee of \$25 for those residential rental units requiring multiple re-inspections.

6. Normal enforcement procedures of the Inspections Department shall be invoked for those residential rental units that are deemed uninhabitable upon initial or subsequent inspection.

c. Results of residential rental unit inspections shall be made available to the public pursuant to the Kansas Open Records Act.

Section 6. That Section 21-1108, Program Termination be added as follows:

Sec. 21-1108. Program Termination.

The residential rental registration and inspection program shall terminate on December 31, 2019 unless specific authorization by the Governing Body of the City of Hutchinson is made to continue the provisions thereof.

Section 7. That the existing Hutchinson City Code Sections 21-1102, 21-1103, 21-1104, 21-1105, 21-1106 and 21-1108 are hereby repealed.

Section 8. That all other sections of Article XI. Residential Rental Registration and Inspection of Chapter 21 shall remain in full force and effect.

Section 9. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 21st day of June, 2016, for the City of Hutchinson, Kansas.

Jon Daveline, Mayor

ATTEST:

Karen Weltmer, City Clerk